

ZIMCENT CONSTRUCTION COMPANY (PVT) LIMITED
versus
IMRAN IQBAL

HIGH COURT OF ZIMBABWE
MANGOTA J.
HARARE, 09 October, 2013

Urgent chamber application

I. Mataka, for the applicant
S. Mohhamed, for the respondent

MANGOTA J: Respondent sued a non-existent company. The Registrar of Deeds and Companies confirmed in his letter of 4 October, 2013 that:

1. Zimcent Construction Company (Pvt) Ltd was registered on 5 January, 1998. Its registration number is 102/1998-BUT
2. ZIMCENT CONTRACTORS AND ENGINEERS (Pvt) Ltd is NOT a registered company in terms of the Companies Act, [*Cap24:03*]
3. Rule 238 of the rules of this court states that any process which names a wrong person as a party is invalid. In the case which is under reference HC3809/13 the respondents sued, and obtained default judgement against, Zimcent Contractors and Engineers (Pvt) Ltd. Their judgement was not against the applicant whose property they purported to want to attach in satisfaction of the judgement which they obtained against Zimcent Contractors and Engineers (Pvt) Limited which is a non-existent company. The respondents cannot legally attach and sell in execution the property of the applicant who has nothing to do with their case against Zimcent Contractors & Engineers (Pvt) Limited. The application, accordingly, succeeds with costs.

Chambati & Mataka – applicant’s legal practitioners
Messrs Ahmed & Ziyambi – respondent’s legal practitioners